

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-0410RSL
)	
Plaintiff,)	
)	ORDER FOR CONTINUANCE OF
vs.)	TRIAL AND RELATED MATTERS
)	
HARLAN PHILIP JAMES,)	
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Defendant.)	
)	
_____)	

Upon consideration of the parties' Second Stipulated Motion for Continuance of Trial and Related Matters, and the defendant's agreement to continue the trial date until May 1, 2006,

THE COURT NOW FINDS that pursuant to Title 18, U.S.C. § 3161(h)(8)(A) and § 3161(h)(8)(B)(iv), the ends of justice served by continuing the trial date to May 1, 2006, outweigh the best interests of the public and the defendant in a speedy trial, in that, as set forth in the parties' Stipulation, it has been demonstrated that (1) the parties have acted with due diligence in an effort to be prepared for a trial on February 13, 2006; (2) defense counsel has demonstrated that he needs until May 1, 2006, to adequately prepare for trial by conducting social history interviews, additional interviews of witnesses to the events, and

1 mental state evaluation of Mr. James; (3) while the crime charged is not a complex offense,
2 the defense investigation is logistically difficult and time consuming because some witnesses
3 to the alleged incident have not yet been identified, all of the witnesses are located on the
4 Lummi Indian Reservation, which is a substantial distance from counsel's office in Seattle,
5 and it will take a number of investigative trips to the Lummi Indian Reservation to identify,
6 locate and obtain interviews with relevant witnesses to this case; (4) the investigation is
7 further complicated by the fact that it appears that some of the individuals who were witnesses
8 to the event may have been intoxicated at the time of the event; (5) most specifically, since the
9 date of the first continuance order, defense investigation has revealed that Mr. James' mental
10 state both before and at the time of the offense is a critical aspect of effectively representing
11 Mr. James, both for trial preparation and for his preparation of negotiation with the
12 government concerning a proper resolution of this case.

13 IT IS THEREFORE ORDERED that the trial in this matter is continued until May 1,
14 2006.

15 IT IS FURTHER ORDERED that any pretrial motions be filed by March 30, 2006.

16 IT IS FURTHER ORDERED that for the purposes of computing the time limitations
17 imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-3174, the period of delay from

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1 February 13, 2006, up to May 1, 2006, is excludable time pursuant to 18 U.S.C.

2 §§ 3161(h)(8)(A) and (h)(8)(B)(iv).

3 DATED this 1st day of February, 2006.

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6 Robert S. Lasnik
7 United States District Judge

8 Presented by:

9 s/ Michael Filipovic
10 WSBA No. 12319
11 Assistant Federal Public Defender
12 Attorney for Harlan Philip James
13 Federal Public Defender's Office
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17 Michael_Filipovic@fd.org

18 *Agreed to by stipulation, notice of presentment waived,*
19 *signature approved per telephone authorization:*

20 s/ Carl Blackstone
21 Assistant United States Attorney
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